



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF – CORONER

February 5, 2019

Ms. Nikka Singh
MuckRock News
66967-57548830@requests.muckrock.com

Re: Your Public Records Act Request

Dear Ms. Singh:

I am writing in response to your email sent on January 10, 2019, in which you make a request for documents pursuant to the California Public Records Act (Gov't. Code § 6250 *et seq.*). On January 22, 2019, this office advised you that we required additional time to respond under § 6253(c)(1) and that you would receive a response on or before February 5, 2019. Your request is copied below, in italics, and our response is below each specific request.

You requested:

1. *All available disciplinary reports, summary statistics, and related materials for the period of January 1, 2014 through the date this request is processed for all facilities under the purview of the Office of the Sheriff – Contra Costa County.*

We understand that your request seeks records under Senate Bill 1421 regarding incidents or reflecting conduct occurring before January 1, 2019. On January 25, 2019, the Contra Costa County Superior Court issued a temporary restraining order, preventing our office from disclosing any such records. The order is attached for your reference. To the extent that our office has any such records, it is unable to release them absent further direction from the Court. Upon receipt of further direction from the Court, our office will provide you with an update regarding a response to your request.

2. *Policies, procedures, directives, or equivalent guiding materials regarding the use of force, restraint devices and techniques, excited delirium, and de-escalation practices.*

We have located and attached the following responsive records:

- Sheriff's Office Policy 1.06.61 – Use of Force
- Custody Services Bureau Policy 2.08.22 – Use of Special Restraints
- Patrol Division Policy 3.01.43 – Mental Illness
- Patrol Line-Up Training – Excited Delirium

3. *Policies, procedures, directives, or equivalent guiding materials regarding inmate's schedule and how long they are kept confined as well as their time to shower and move around. This should be divided into each facility as the policies differ.*

Please see the attached Housing Unit Timelines for each of our three jail facilities, Marsh Creek Detention Facility, Martinez Detention Facility, and West County Detention Facility. Inmates are allowed to shower, make phone calls, and move about the building during "Free Time." With respect to your request concerning "how long they are kept confined," such confinement is for the term for which the inmate has been sentenced by the court. With respect to their freedom to move about within the detention facility, this differs with respect to the facility and the individual inmate's classification for doing harm to other inmates, propensity to attempt escape, etc. Many inmates are able to move about a detention module for most of the day, except during periods of lock-down and sleeping hours. Others, who are considered dangerous to other inmates, are confined for most of the day. Inmates who are members of criminal gangs, and who are considered dangerous to others, are confined with members of their own gang. Accordingly, your request essentially requests a treatise on penology, which we cannot accommodate in a Public Records Act response.

4. *Policies, procedures, directives, or equivalent guiding materials regarding inmate's use of restroom, if and when a restroom is not located within the cell. As well as a count of cells that do not contain restrooms.*

All of the cells at Martinez Detention Facility have a restroom within the cell.

Marsh Creek Detention Facility has a dorm-style building that has two sides, with each side housing 60 beds, 6 showers, 6 toilets, and 4 urinals. No females are housed at Marsh Creek Detention Facility.

West County Detention Facility has one building with 48 cells that each have a toilet. The other buildings have two sides, with each side containing 60 "dry" cells (no toilet) and 4 cells with toilets, for a total of 64 cells per side. Each side has 12 toilets and 8 showers. Inmates can exit their cell rooms to use the restrooms at any time. This information is covered in the orientation video that each inmate views.

I trust that this fulfills your Public Records Act request.

Sincerely,

DAVID O. LIVINGSTON, Sheriff



Carlye M. Slover, Sheriff's Specialist
Professional Standards Division